

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (CGM)

SIPA LIQUIDATION

(Substantively Consolidated)

In re

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively  
Consolidated SIPA Liquidation of Bernard L. Madoff  
Investment Securities LLC and the Chapter 7 Estate of  
Bernard L. Madoff,

Plaintiff,

v.

BORDIER & CIE,

Defendant.

Adv. Pro. No. 12-01695 (CGM)

**STIPULATION AND ORDER  
EXTENDING DEFENDANT'S TIME TO APPEAL**

This Stipulation and Order is entered into by and between Plaintiff Irving H. Picard, as Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC and the Chapter 7 Estate of Bernard L. Madoff (the “**Trustee**”), and Defendant Bordier & Cie (“**Bordier**”) through their respective counsel.

**RECITALS**

A. On February 14, 2022, Bordier filed its *Motion to Dismiss the Complaint* in this Adversary Proceeding, No. 12-01695 (CGM) [ECF No. 85].

B. On June 30, 2022, following briefing by the parties and oral argument, this Court issued its *Memorandum Decision Denying Defendant's Motion to Dismiss* [ECF No. 105].

C. On July 12, 2022, based on the Memorandum Decision, this Court entered its *Order Denying Bordier & Cie's Motion to Dismiss the Complaint* [ECF No. 106] (the “**July 12, 2022 Order**”).

D. Under Bankruptcy Rule 8002(a)(1), the last day on which to file a notice of appeal from the July 12, 2022 Order is 14 days after entry of the order, *i.e.*, on July 26, 2022.

E. Bordier seeks an extension of time to file such notice of appeal in order to consider whether to appeal and on what grounds, and if so, to prepare the required papers for a motion for leave to appeal.

F. Under Bankruptcy Rule 8002(d)(1), the Bankruptcy Court may extend the time to file a notice of appeal upon a party's motion that is filed within the time prescribed by Rule 8002, *i.e.*, by July 26, 2022. Bankruptcy Rule 8002(d)(3) permits such an extension to 21 days after the time prescribed by Bankruptcy Rule 8002(a)(1), *i.e.*, to August 16, 2022.

G. No previous motion for an extension of time to file such notice of appeal has been made.

H. The Trustee consents to Bordier's request to extend its time to appeal to August 16, 2022.

**IT IS THEREFORE STIPULATED THAT:**

1. For purposes of Bankruptcy Rule 8002(d), this Stipulation and Order shall be deemed a motion by Bordier for extension of time for filing (a) a notice of appeal of the July 12, 2022 Order and (b) a motion for leave to appeal in accordance with Bankruptcy Rules 8002(a)(1) and 8004(a) (collectively, the “**Required Filings**”), through and including August 16, 2022 (the “**Extended Filing Deadline**”).

2. The Trustee consents to Bordier’s motion, and this Court hereby grants it pursuant to Bankruptcy Rule 8004(d).

3. Accordingly, if Bordier wishes to appeal the July 12, 2022 Order, Bordier shall make the Required Filings by the Extended Filing Deadline.

*[Remainder of page intentionally left blank.]*

Dated: July 13, 2022  
New York, New York

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*Attorneys for Defendant Bordier & Cie*

**IT IS SO ORDERED**

**Dated: July 14, 2022  
Poughkeepsie, New York**



/s/ Cecelia G. Morris

**Hon. Cecelia G. Morris  
U.S. Bankruptcy Judge**